EPA United States Environmental Protection Agency

Region 9 Enforcement Division
75 Hawthorne Street
San Francisco, CA 94105

Inspection Date(s):	9/29/2015	
Time:	**Entry:** 10:00 am	**Exit:** 12:00pm
Media:	Water	
Regulatory Program(s)	Clean Water Act NPDES /CAFO Dairy	
Company Name:	Legend Dairy Farms #2	
Facility or Site Name:		
Facility/Site Physical Location:	Ex. 6 Personal Privacy (PP)	
Geographic Coordinates:		
Mailing address:	P.O. Box 2500, Chino, CA, 91708	
Facility/Site Contact:	Ron Peitersma	**Title**: Operator
	Phone: Ex. 6 Personal Privacy (PP)	**Email:**
Facility/Site Identifier:	NPDES CAG018001 / Order R8-2013-0001, General waste discharge requirements for CAFOs (dairies and related facilities)	
NAICS:	112120 Dairy Cattle and Milk Production	
SIC:	0241 Dairy Farms	

Facility/Site Personnel Participating in Inspection:

Name	Affiliation	Title	Email
Ron Peitersma	Legend Dairy	Operator	

EPA Inspector(s):

John Tinger	EPA	Engineer	Tinger.John@EPA.gov

Federal/State/Tribal/Local Representatives:

Edward Kashak	WRCB-R8	Engineering Geologist	ekashak@waterboards.ca.gov
Jawed Shami	WRCB-R8	Engineer	jshmi@waterboards.ca.gov

Inspection Report Author:	John Tinger	415 972-3518
		Date:
Supervisor Review:		
	Ken Greenberg	415-972-3577
		Date:

SECTION I – INTRODUCTION

I.1 Purpose of the Inspection

The purpose of the inspection was to ensure compliance with the NPDES permit and applicable Federal regulations covering the discharge of wastewaters into waters of the United States.

Inspections were conducted jointly with the Regional Water Quality Control Board.

The facility has applied for coverage under NPDES CAG018001 / Order R8-2013-0001, General waste discharge requirements for CAFOs (dairies and related facilities) within the Santa Ana Region.

SECTION II – FACILITY / SITE DESCRIPTION

II.1 Facility Description

According to the EWMP, the facility comprises 79 acres, with 15 acres of corrals and 22 acres of pasture. The facility generates 40,000 gallons per day of washwater.

The facility has 16 ponds located on the eastern side of the dairy. (see photo 1) Washwater from the milk barn areas gravity flows to the northern ponds (photo 6), and washwater either gravity flows or is pumped to the ponds in series towards the spillway located at the southern end of the facility.

The western fields are currently used for crops where manure is land-applied. The land is leased to a local farmer who farms the area then returns all crops to be used as feedstock for the dairy. The farmer has prepared a NMP, but the operator explained that since the land is leased, the NMP is not part of the dairy operation and the NMP is not retained on site.

Stormwater flows in a southern direction. Stormwater from the corrals either flows to the northernmost ponds, or flows to the southern fields which are used a pasture land (photo 11). Operator stated that the pasture may be converted to croplands in future.

II.2 Compliance History

EPA issued Findings of Violation and Order for Compliance (CWA-309(a)-11-027) on September 22, 2011 based on compliance inspection conducted December 9, 2010. The inspectors' observations included:

- The EWMP was not fully implemented
- Containment structures were not adequately maintained
- Impoundments lacked depth markers
- Vegetation growth was uncontrolled in lagoon.

SECTION III – OBSERVATIONS

- Several ponds appeared to have excess solids with accumulation more than 2 feet deep. However, the majority of the ponds appeared to have sufficient storage capacity based on EWMP design, which includes a total of 16 ponds. The operator indicated the ponds will likely be scheduled for cleaning next year.

SECTION IV – AREAS OF CONCERN

The presentation of areas of concern does not constitute a formal compliance determination or violation.

- No areas of concern were observed.

SECTION V – DOCUMENTS REQUESTED DURING INSPECTION AND ANALYTICAL RESULTS

- ✓ Engineered Waste Management Plan was available on-site
- ✓ Weekly Storm Water Management Structure Inspections Log Sheets were available on-site
- ✓ Annual Report was available on-site
- ✓ Manure Tracking Manifests were available on-site
- ✓ Manure nutrient analysis was available on-site

NA Nutrient Management Plan NOT required.

APPENDICES

Appendix 1 – Inspection checklist

Appendix 2 – Photograph Log

Appendix 1- INSPECTION CHECKLIST

SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD
INSPECTION REPORT

OFFICE NO: _____
INSPECTOR:_____ PCA SYSTEM TASK NO.: _____

WDID No.	OWNER NAME	FACILITY NAME
CAG018001 NPDES No.	OWNER ADDRESS	FACILITY ADDRESS
Site ID	OWNER CITY, STATE & ZIP	FACILITY CITY, STATE & ZIP
Actual Date Inspected	OWNER CONTACT	FACILITY CONTACT
	OWNER PHONE NO.	FACILITY PHONE NO.

J Inspection Agency (S=STATE, J=JOINT STATE/USEPA)

INSPECTION TYPE (Check One)

A1___ "A" type compliance--Comprehensive inspection in which samples are taken. (EPA Type S)
B1__**X**__ "B" type compliance--A routine nonsampling inspection. (EPA Type C)
02___ Noncompliance follow-up--Inspection made to verify correction of a previously identified violation.
03___ Enforcement follow-up--Inspection made to verify that conditions of an enforcement action are being met.
04___ Complaint--Inspection made in response to a complaint.
05___ Pre-requirement--Inspection made to gather info. relative to preparing, modifying, or rescinding requirements.
06___ Miscellaneous--Any inspection type not mentioned above. If this is an EPA inspection not mentioned above please note type. (e.g. biomonitoring, performance audit, diagnostic, etc.)

N Were violations noted during this inspection? (Yes/No/Pending Sample Results)
N Was this a Quality Assurance-Based inspection?
N Were bioassay samples taken? (N=no) If YES then, S= Static or F= Flow through.
N Were water quality samples collected?

INSPECTION SUMMARY

The overall facility rating, on a 1 (unreliable) to 5 (reliable) scale, was determined to be 4 = Satisfactory.

HISTORICAL INFORMATION (MOST RECENT):

Order No.	Adopted Date	Permit Type	Inspect Date	Inspection Type	Inspection Violations	Inspection Violation Type	Violation Date
R8-2013-0001	**6-7-13**	**NPDES**					

REVIEW OF FACILITY'S MOST RECENT ANNUAL REPORT

ANNUAL REPORT FOR: Jan 1, 2014 – Dec 31, 2014

ANIMAL POPULATION

Milk Cows: 900 Dry Cows: 0 Heifers: 200 Calves: 0 Other: 0

MANURE INFORMATION

Amount of manure spread on cropland at the facility: 0 tons

Amount of manure hauled away from the facility: 4410 tons

Name(s) and address(es) of manure destination: Hauled by Three Brothers Farms to Ex. 6 Personal Privacy (PP) Ex. 6 Personal Privacy (PP) for croplands in San Bernardino County, and to Ex. 6 Personal Privacy (PP) for composting and croplands.

ENGINEERED WASTE MANAGEMENT PLAN (EWMP) REVIEW

Did the inspector review the most recent EWMP on file? Yes

Did the facility operator have a copy of the EWMP available onsite? Yes

Date EWMP originally prepared: August 2005, originally prepared for TLC Sunlight Dairy.

EWMP prepared by: Nolte Beyond Engineering.

Regional Board EWMP Acceptance Date: 8/19/2005

EWMP Certification Letter Date and Source: 3/7/2008

Was EWMP fully implemented? Yes

If not, list structures missing or deficient:

Other information related to the EWMP:

OPERATOR INSPECTION PARTICIPATION AND INPUT, AND DESCRIPTION OF WATER CONTAINMENT SYSTEM

EPA Inspector presented credentials and a short introduction meeting was held. The operator accompanied inspectors through the facility. A short close-out meeting was held to discuss preliminary findings. Operator was not provided advanced notice of inspection.

INSPECTION OBSERVATIONS

ANIMALS ONSITE DURING INSPECTION;

Milk Cows:	900	Dry Cows:	0	Heifers:	0	Calves:	Longhorn: 20

INSPECTION SPECIFIC MANURE AND WASTEWATER INFORMATION:

DISCUSSION OF FACILITY HOUSEKEEPING:
No issues noted. Corrals were being scraped and stockpiles of manure were being removed at time of inspection (see photo 1-2. Operator stated corrals would be continuously scrapped until the rainy season to remove manure. Manure did not appear to have been present for more than 180 days.

TYPICAL DEPTH OF MANURE IN CORRALS: < 4"
DATE CORRALS WERE LAST SCRAPED: currently being scraped.
ESTIMATED FREEBOARD IN FULLEST LAGOON:
DATE OF LAST LAGOON SOLIDS REMOVAL, PER FACILITY REPRESENTATIVE: facility representative did not know.
DISPOSAL LOCATION FOR LAGOON SOLIDS:

CONDITION OF BERMS AND CONTAINMENT STRUCTURES:

No evidence of significant rodent damage, erosion, or excess vegetation along berms was observed. Ponds generally clear of vegetation. Several ponds appeared to have excess amount of sediment buildup.

Operator indicated that berms were severely overgrown several years ago. The operator found the most effective way to manage the vegetation was by using longhorns (see photo 11). The operator keeps 20 longhorn to control vegetation along the berms and lagoons and in the pasture.

POTENTIAL VIOLATIONS (IF APPLICABLE)

No potential violations observed.

ADDITIONAL COMMENTS, SPECIAL INSTRUCTIONS, FUTURE INSPECTION FOLLOW UP ETC.

None.

Appendix 2 – Photograph Log

The photographs were taken during the inspection by John Tinger. Original copies of the photos

Photo 1: facility overview

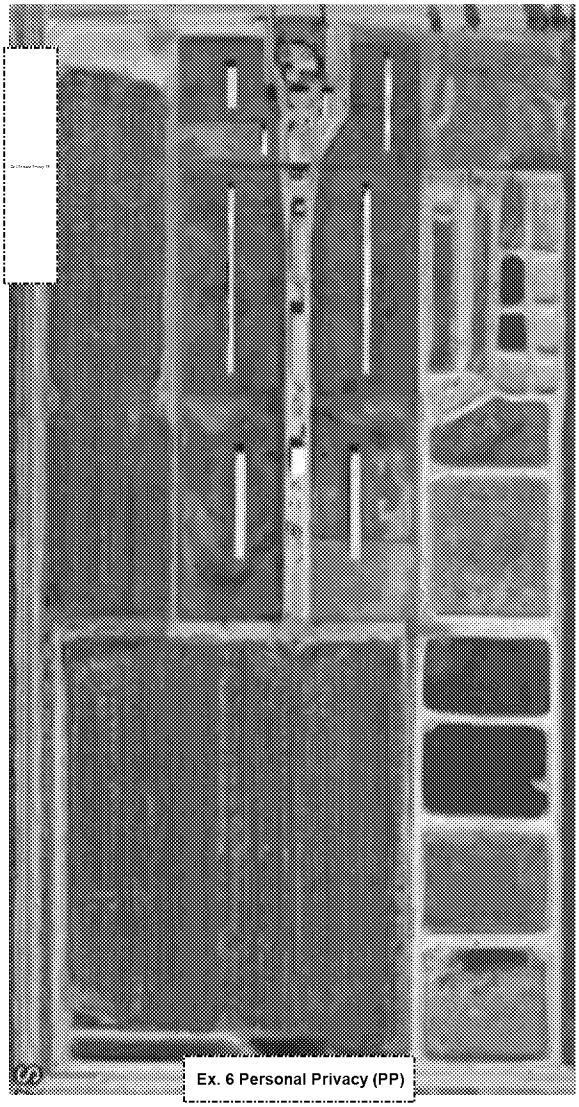

Photo 2: Corrals being scraped and manure being hauled off

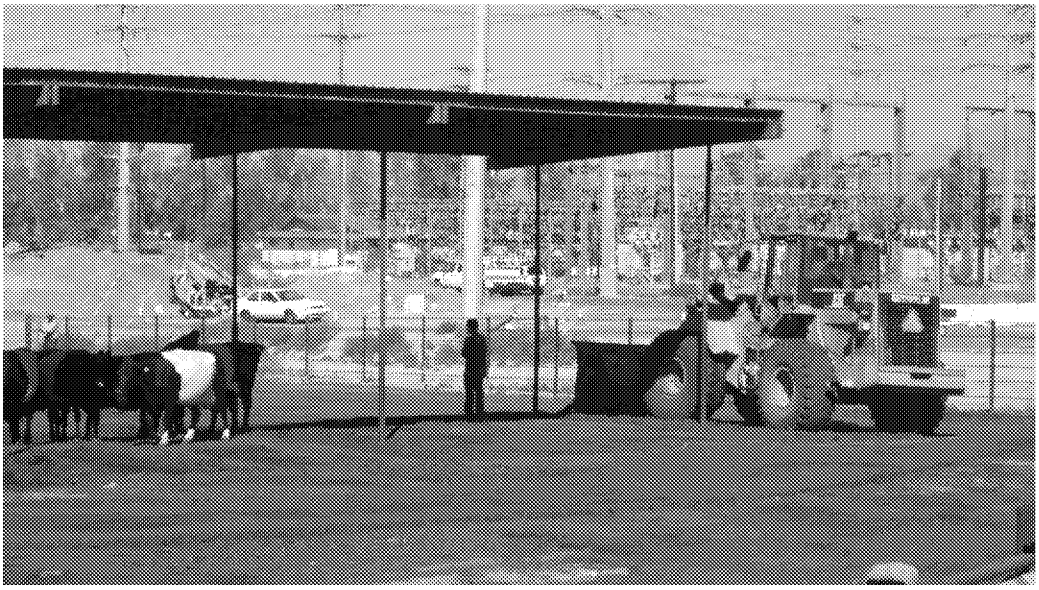

Photo 3: Corrals being scraped and manure being hauled off

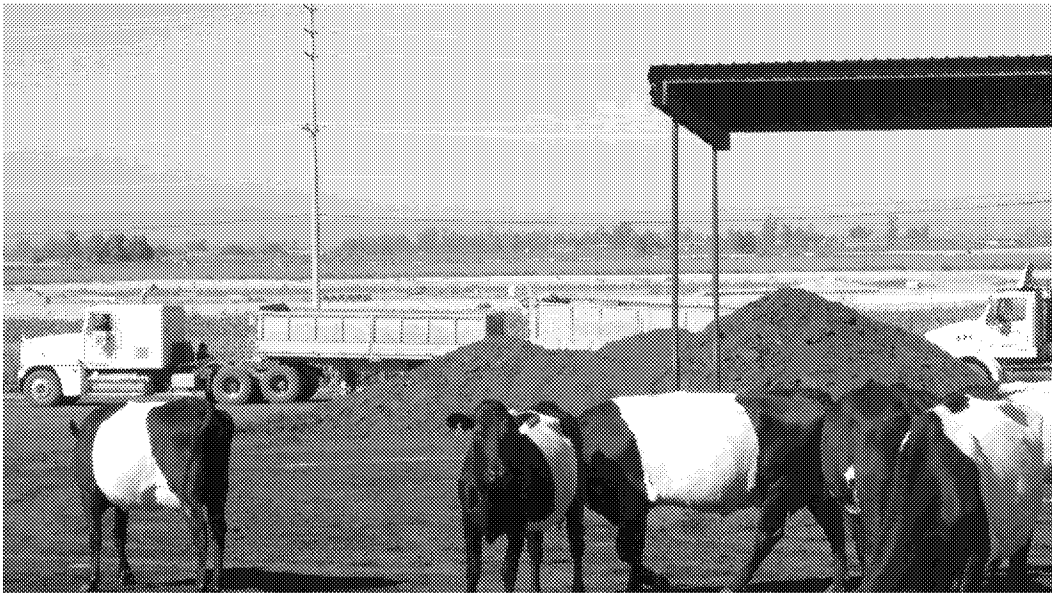

Photo 4: milk barn

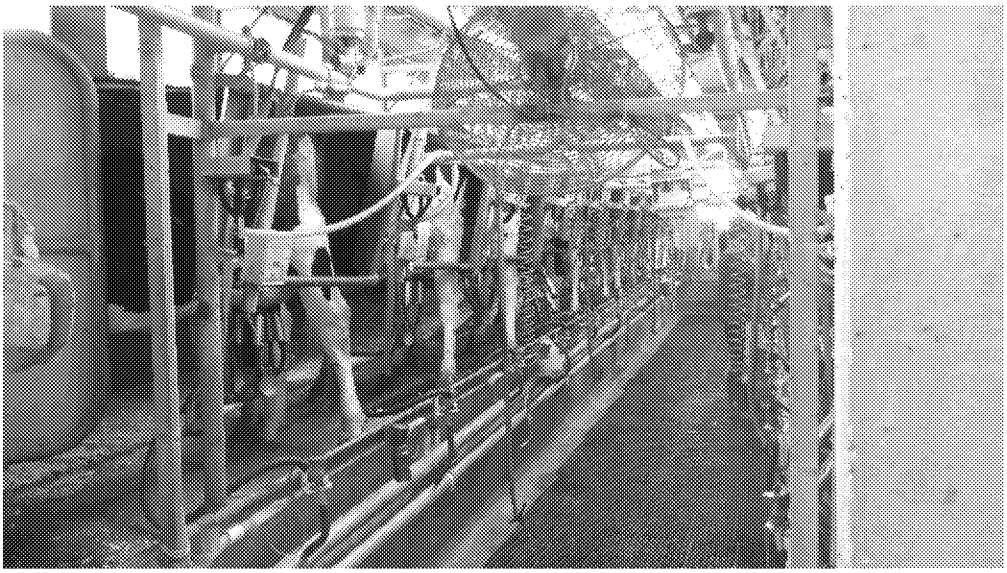

Photo 5: wash areas next to milk barn

Photo 6: washwater flowing into pond. Build-up of accumulated sediments.

Photo 7: View of series of ponds looking south

Photo 8: Northern pond; View looking northwest.

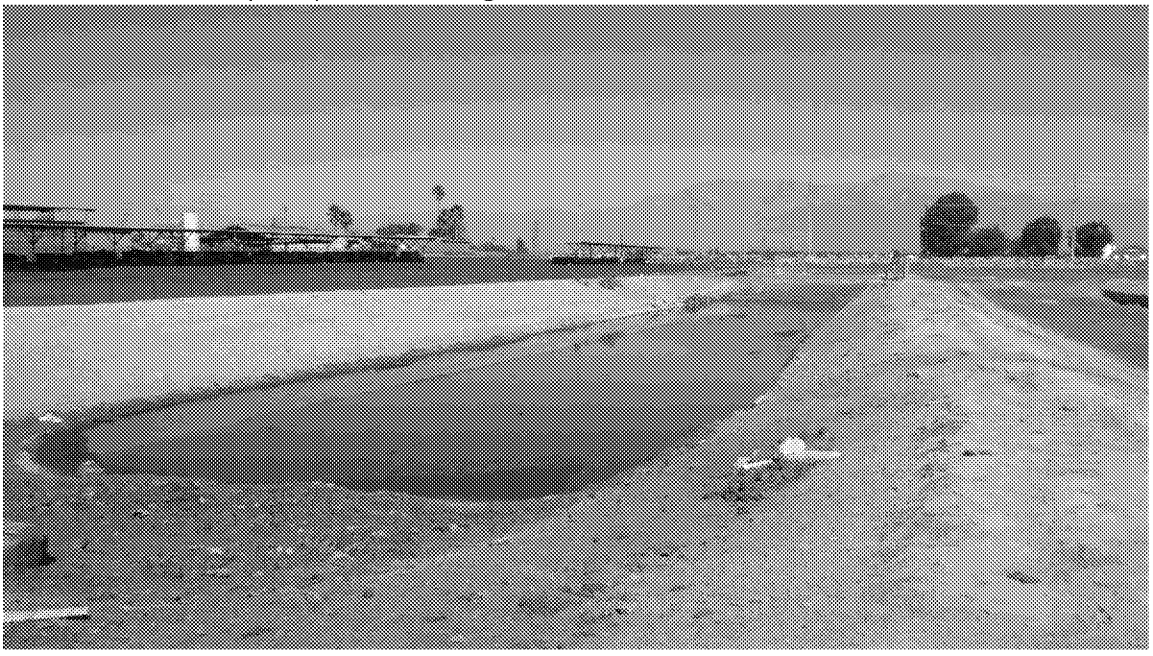

Photo 9: Pond

Photo 10: Pond view looking north

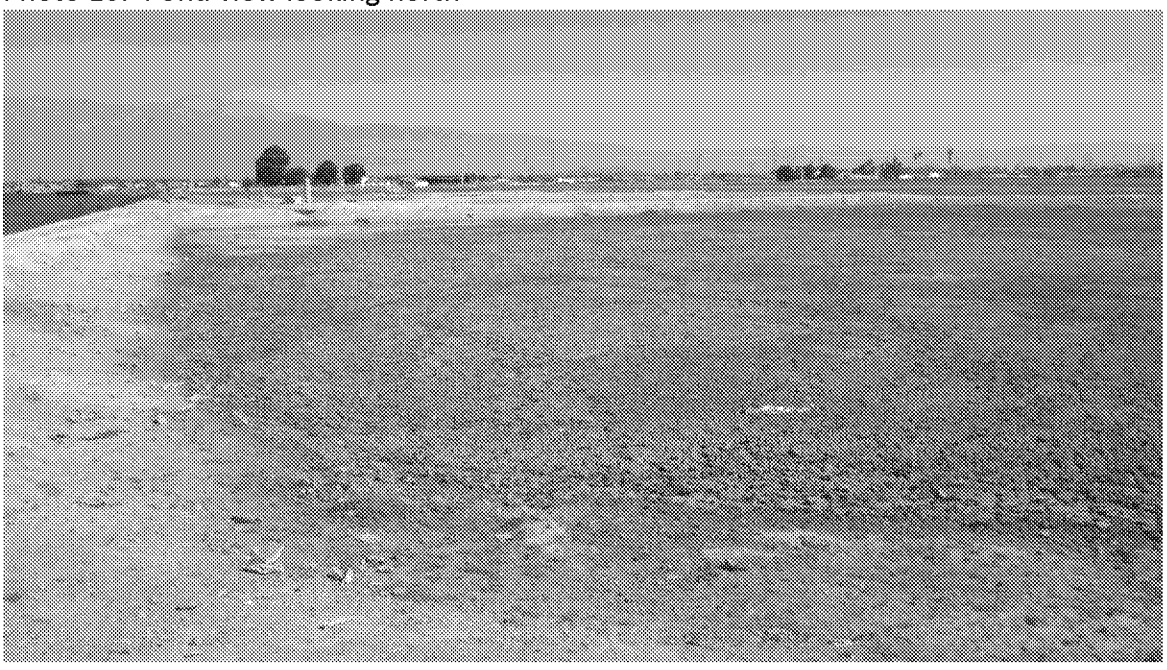

Photo 11: view of pasture area / cropland looking southwest

Photo 12: Longhorns.